

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

A.G. EDWARDS, JR.,

No. FJ 02-0023 MMC

Plaintiff,

ORDER DENYING PETITION

v.

JOHN SKRABO, SKRABO LIVESTOCK, and
SUNDOWN LAND AND CATTLE COMPANY,

Defendants.

On June 13, 2011, the Court ordered plaintiff A. G. Edwards, Jr. to show cause why his petition in the above-titled action should not be denied. (See Order to Show Cause, filed June 13, 2011.) Now before the Court is plaintiff's response thereto, titled "Fed R Civ Proc 5.1 Notice of Plaintiff [sic] Submission of State Constitutional Question to State of California Attorney General" ("Notice"), filed September 2, 2011.¹ Having read and considered plaintiff's response, the Court rules as follows.²

By the instant action, plaintiff seeks to enforce a judgment against Carolyn and

¹Pursuant to Rule 5.1 of the Federal Rules of Civil Procedure, where a party files a pleading or other paper "drawing into question the constitutionality" of a state statute, such party must file a "notice of constitutional question" and serve said notice on the state attorney general. See Fed. R. Civ. P. 5.1(a).

² Although plaintiff's response was due no later than August 31, 2011 (see Order Granting Plaintiff's Petition for Enlargement of Time, filed July 5, 2011 (granting extension of time to respond to Order to Show Cause)), the Court nonetheless has considered plaintiff's late-filed Notice.

